

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	CRIMINAL ACTION NO.
v.	:	
	:	1:11-CR-239-CAP-ECS
ADRIAN MARTINEZ-MONTANEZ,	:	
et al.,	:	
	:	
Defendants.	:	

FINAL ORDER AND JUDGMENT OF FORFEITURE

This matter is before the Court on the United States' Motion for Final Order of Forfeiture regarding property belonging to Defendant Adrian Martinez-Montanez. The Court entered a Consent Preliminary Order of Forfeiture on April 25, 2013, forfeiting one 2011 Kia Sorento, VIN 5XYKU4A26BG001591 ("Vehicle") to the United States pursuant to 21 U.S.C. § 853.

The United States published notice of the forfeiture action on the official Government Internet site www.forfeiture.gov for at least 30 consecutive days. On April 29, 2013, the United States also sent direct notice of this forfeiture action via certified mail and regular mail to Yaneth Viviana Villada ("Villada"). On or about May 16, 2013, Plaintiff's counsel received a document entitled "Notice of Forfeiture for Yaneth Viviana Villada" from Villada. Villada, however, did not send the document to the Clerk of Court for filing in the instant ancillary proceedings. On May

20, 2013, Plaintiff's counsel sent a letter to Villada expressly stating that she needed to file a claim with the District Court and that the response she previously sent did not comply with the requirements of 21 U.S.C. § 853(n)(1). The May 20, 2013, letter also expressly stated that Villada needed to file her petition with the District Court by the deadline stated in the April 29, 2013 notice, i.e. within thirty days of the receipt of that notice. According to the certified mailer receipt, Villada received the letter on May 24, 2013. To date, Villada has not filed a claim to the Vehicle in this case. The United States entered into a settlement agreement with Kia Motors Finance Company ("Kia") recognizing Kia's interest in the Vehicle. No other person or entity, including Villada, has filed a claim to the property and the deadline for doing so has expired.

The Court having found that the Defendant Adrian Martinez-Montanez has an interest in the property subject to forfeiture pursuant to 21 U.S.C. § 853, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. Final forfeiture judgment against one 2011 Kia Sorento, VIN 5XYKU4A26BG001591 is hereby entered pursuant to 21 U.S.C. § 853;
2. All right, title and interest in the property listed above is hereby condemned, forfeited and

vested in the United States and shall be disposed of according to law and the terms of the stipulated settlement agreement executed by the United States and Kia Motors Finance Company.

3. The interest of Yaneth Viviana Villada in the above-described Vehicle is hereby extinguished due to her failure to file a petition in this action;
4. The United States Marshals Service shall dispose of the forfeited property in accordance with law and the stipulation filed with the court.
5. The United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

ORDERED this 7th day of August, 2013.

/s/Charles A. Pannell, Jr.

CHARLES A. PANNELL, JR.
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Michael J. Brown
MICHAEL J. BROWN
ASSISTANT U.S. ATTORNEY
GEORGIA BAR NO. 064437